

## **REMARKS**

Claims 1-10, 15-19, and 22 are pending in this application. Claims 11-14 and 20-22 are withdrawn from consideration. By this amendment, Claims 1, 3, 15, 17, and 19 are amended. No new matter has been added. Reconsideration of the rejection in view of the above amendments and the following remarks is respectfully requested.

### **I. THE AMENDMENTS RESOLVE THE REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

Claim 19 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner indicated that, although the Examiner was familiar with the material "Gore-Tex®," the "limitations of the claim were unknown because no description or generic definition of the material was given." Applicant has amended Claim 19 to recite "polytetrafluoroethylene," the known generic chemical description of Gore-Tex®. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection.

### **II. CLAIM REJECTIONS - 35 U.S.C. § 102**

Claims 1-3, 8, 9, and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,234,445 to Walker (hereinafter "Walker"). Claims 15 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,358,498 to Shave (hereinafter "Shave"). Further, Claim 15 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,454,820 to Kammerer (hereinafter "Kammerer"). These rejections are respectfully traversed.

As amended, Claim 1 recites a surgical guide line assembly for use during a surgical procedure, comprising: a repair graft assembly; a guide line component having a proximal end and a distal end; and at least one suture secured to the distal end of the guide line component and the repair graft assembly. As amended, Claim 15 recites a surgical guide line assembly comprising: a repair graft assembly; a guide line component having a proximal end and a distal end; at least one suture secured to the distal end of said guide line component and said repair graft assembly; and a broad line assembly positioned around said distal end of said guide line component and a portion of said at least one suture. The remaining claims depend from either Claim 1 or Claim 15 and include at least all of the limitations set forth therein.

Each of the cited references relates to a suturing device or method. Walker discloses a suturing device adapted for use during endoscopic surgery. (Col. 1, ll. 5-10; Abstract). In particular, Walker discloses a device for use during a tissue approximation surgical procedure, in which a suture is manipulated to join tissue. (Col. 5, l. 59 – Col. 6, l. 30; Figs. 7-12). Kammerer discloses a method of tying knots using a tube knot applicator during an endoscopic surgical procedure. (Col. 1, ll. 5-10; Abstract). The method disclosed in Kammerer is adapted for closing an incision in a body. (Figs. 9-15). Shave discloses a needle-suture combination adapted for use with a shrink sleeve heat-shrunk-fit to couple the needle and the suture together. (Col. 1, ll. 5-12; Abstract).

None of the references cited, however, disclose, teach, or suggest the claimed subject matter of the present invention. Specifically, the cited references do not disclose, or even suggest, a guide line assembly having a repair graft assembly, as

recited in Claim 1. For at least this reason, Applicant respectfully requests reconsideration and withdrawal of the rejection.

### **III. CLAIM REJECTIONS - 35 U.S.C. § 103(a)**

Claims 4-7, and 15-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of U.S. Patent No. 5,562,687 to Chan (hereinafter "Chan"). Claims 4-7, and 15-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of U.S. Patent No. 6,024,764 to Shroeppel (hereinafter "Shroeppel") in further view of U.S. Patent No. 4,290,872 to Monter et al. (hereinafter "Monter"). These rejections are respectfully traversed.

As stated above, none of the references cited previously disclose or suggest the claimed subject matter of the present invention. The additional references cited under § 103 do not compensate for the inadequacy of these disclosures. In particular, Monter discloses a hydrogen reference electrode for determining oxygen content in high temperature water. (Col. 1, ll. 9-15). The device disclosed in Monter is for use in a measuring system, not in a surgical guide line assembly, as presently claimed. Shroeppel discloses a deformable tubular sleeve. The Shroeppel device may be used to impart selected bends in a catheter-type device. (Col. 3, ll. 49-65). Chan discloses a surgical repair kit for performing arthroscopic meniscal repairs. (Col. 1, ll. 5-10). None of the references cited suggest a guide line assembly having a repair graft assembly, as presently claimed. Further, there is no suggestion or motivation to modify or combine the suturing devices and methods disclosed in the references to provide a guide line assembly as claimed in the present application.

None of the references cited, taken alone, or in combination, teach, disclose, or suggest the subject matter of the present invention. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested. Applicants respectfully request that the Examiner reconsider, and withdraw, the rejections and allow the appended claims at an early date.

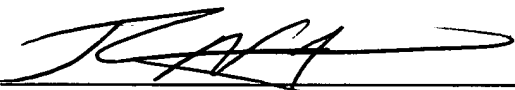
#### **IV. CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully submit that the claims of the present invention, define subject matter patentable over the references cited by the Examiner and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the below listed telephone number.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to deposit account number 03-2469. Moreover, if the deposit account contains insufficient funds, the Commissioner is hereby invited to contact Applicant's undersigned representative to arrange payment.

Respectfully submitted,

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